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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,931	02/02/2000	Takatoshi Yamanaka	1080.1079/JDH	5469
21171	7590	02/13/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			CHOOBIN, BARRY	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/495,931

Applicant(s)

YAMANAKA, TAKATOSHI

Examiner

Barry Choobin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed January 16, 2004 have been fully considered but they are not persuasive.

In response to applicant's arguments, the recitation [hierarchical relationships between stored data] has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1 – 2, 4 – 6, 8 – 10, 12 – 14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sasano et al (US Patent 6,198,837).

As to claim 1, Sasano et al disclose an image processing apparatus for dealing with objects in an object system consisting of a plurality of objects each having a pair of image data representative of an image and image attribute information representative of an attribute of the image (column 8, lines 27 – 32), wherein the plurality of objects are linked in form of a hierarchy structure including a parentage, said image processing apparatus comprising:

object producing means for producing new objects, wherein when said object producing means produces new objects having a parent object, said object producing means sets up image attribute information of the parent object on the new objects now on production in form of a default (refer for example to column 7, lines 29 – 47, and column 8, lines 27 – 32).

As to claim 2, Sasano et al disclose an image processing apparatus for dealing with objects in an object system consisting of a plurality of objects each having a pair of image data representative of an image and image attribute information representative of

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an attribute of the image (column 8, lines 27 – 32), wherein the plurality of objects are linked in form of a hierarchy structure including a parentage, said image processing apparatus comprising:

attribute altering means for altering image attribute information of existing objects (column 15, lines 61 – 66), wherein when said attribute altering means alters image attribute information of an object having a descendant object (column 16, lines 1 – 4), said attribute altering means causes image attribute information altered in image attribute information of an object to be altered to be reflected in the descendant object of the object to be altered.

As to claims 5, 6, 8, 13, 14 and 16, Sasano et al disclose image processing apparatus deals with a medical image, and the image attribute information includes patient information and photographic condition (column 8, lines 27 – 39).

Claims 4, 9 – 10, 12 are similarly analyzed and rejected as claims 1, 2.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

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subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 7, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasano et al in view of Sako (US Patent 5,978,562).

As to claims 3 and 11, Sasano et al disclose an image processing apparatus for dealing with objects in an object system consisting of a plurality of objects each having a pair of image data representative of an image and, image attribute information representative of an attribute of the image, wherein the plurality of objects are linked in form of a hierarchy structure including a parentage, said image processing apparatus comprising (see claim 1):

However, Sasano et al fail to teach an object deleting means for deleting existing objects, wherein when said object deleting means deletes an object having descendant objects, said object deleting means deletes also the descendant objects of an object to be deleted.

But on the other hand, Sako disclose an object deleting command entered by the higher level apparatus (see column 2, lines 48 – 60, column 13, lines 40 – 46 and Fig.17), on this manner, a deletion command from the higher level apparatus is not

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rejected and the higher level apparatus can be released as soon as possible (see abstract).

Therefor, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the apparatus of Sako with Sasano et al in order to reserve a storage area (column 13, lines 43 – 46).

As to claims 7 and 15, Sasano et al disclose image processing apparatus deals with a medical image, and the image attribute information includes patient information and photographic condition (column 8, lines 27 – 39).

Claims 17-18 are similarly analyzed and rejected.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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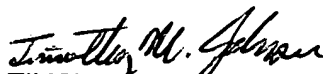
CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry Choobin whose telephone number is 703-306-5787. The examiner can normally be reached on M-F 7:30 AM to 18:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Barry choobin
February 9, 2004


TIMOTHY M. JOHNSON
PRIMARY EXAMINER